

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLIO PHILLIPS,

Plaintiff,

-against-

LEONARD RUSS AND LINDA MYERS RUSS
D/B/A BAYBERRY CARE CENTER; UNITED
FOOD AND COMMERCIAL WORKERS
UNION,

Defendants.

23-CV-8283 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated December 5, 2023, the Court directed Plaintiff to file an amended complaint within 60 days. On February 6, 2024, the Court granted Plaintiff's request for an extension of time and directed her to file an amended complaint within 60 days of the date of that order. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an amended complaint. Accordingly, the complaint, filed *in forma pauperis* ("IFP") under 28 U.S.C. § 1915(a)(1), is dismissed for failure to state a claim on which relief may be granted and for lack of subject matter jurisdiction. *See* 28 U.S.C. § 1915(e)(2)(B)(ii); Fed. R. Civ. P. 12(h)(3). The Court declines to exercise supplemental jurisdiction of any state law claims Plaintiff may be asserting. *See* 28 U.S.C. § 1367(c)(3).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: April 29, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge